

SIXTH DAY
(Monday, January 28, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, offered the invocation as follows:

God is our refuge and strength, a very present help in time of trouble. Today, we pray for our nation, America. May God shed His grace on thee, and crown Thy good with brotherhood from sea to shining sea. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 24, 1991, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHORS OF SENATE BILL 111

On motion of Senator Montford and by unanimous consent, Senators Moncrief and Leedom will be shown as Co-authors of S.B. 111.

CO-AUTHOR OF SENATE BILL 63

On motion of Senator Ellis and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 63.

GUESTS PRESENTED

Senator Rosson was recognized and introduced distinguished guests from El Paso: County Judge Alicia Chacon and Mayor Suzie Azar.

The Senate welcomed these distinguished guests from El Paso.

SENATE RESOLUTION 73

Senator Parker offered the following resolution:

S.R. 73, Declaring January 28, 1991, as Orange County Day.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Parker was recognized and introduced the Orange County delegation seated in the gallery and extended an invitation to the Senate to attend this celebration.

The Senate welcomed the guests and expressed thanks for the invitation.

SENATE RESOLUTION 47

Senator Ratliff offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing one of its most distinguished Members, Senator Bill Sims, for whom the month of January has special meaning; and

WHEREAS, January 27, 1991, is his 59th birthday and on January 28, 1991, Senator Sims and his wife, Sue, celebrate their 36th wedding anniversary; and

WHEREAS, An outstanding statesman and gentleman, Senator Sims has long been respected and beloved by his colleagues in the Senate and the citizens of Texas; and

WHEREAS, Since his election to the Senate in 1982, Senator Sims has served his constituency and the people of Texas with loyalty and dedication; and

WHEREAS, As a rancher, businessman, and executive secretary of the Texas Sheep and Goat Raisers Association, he is an expert on the needs and interests of West Texas counties; and

WHEREAS, A man of many talents and versatility and an esteemed leader in the community, he is a consulting editor of The Ranch magazine and serves on numerous committees, including the National Fibers and Food Protein Commission, the Texas Water Resources Association, the Texas Agricultural Council, and the Advisory Committee on Interstate Oil Compact; and

WHEREAS, His colleagues in the Senate are grateful for the wealth of knowledge that Senator Sims brings to the legislature and for his ever-present dignity, charm, graciousness, and warm sense of humor; and

WHEREAS, Throughout the years of his career, his wonderful wife, Sue, and his children, Billy Lowe Sims and Sue Ann Sims Setzler, have contributed to his strength through their love and support; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend best wishes to Senator Bill Sims for a joyous birthday and congratulations on his 36th wedding anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of high regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Sims was recognized and introduced his wife, Sue, in honor of their 36th wedding anniversary.

The Senate greeted Mrs. Sims with a warm welcome.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 195 by Ratliff, Brooks, Tejeda Criminal Justice
Relating to the establishment of the comprehensive rehabilitation fund and the imposition of a fee on certain traffic convictions.

S.B. 198 by Carriker, Dickson Economic Development
Relating to the creation of the rural economic assistance clearinghouse within the Texas Department of Commerce.

S.B. 199 by Brown Criminal Justice
Relating to the liability of a person who manufactures or delivers certain illegal substances for damages arising from the use of the substances.

S.B. 200 by Brown, Lucio Economic Development
Relating to the punishment for certain offenses under the Texas Controlled Substances Act in regard to which the defendant is criminally responsible for the conduct of a person younger than 17 years of age.

S.B. 201 by Lyon Intergovernmental Relations
Relating to the violation by a county clerk or the clerk's deputy of certain requirements relating to the filing of a subdivision plat or replat.

S.B. 202 by Glasgow Intergovernmental Relations
Relating to annual audits of property forfeited to precinct, county, and district officials.

S.B. 203 by Glasgow Criminal Justice
Relating to the preparation of a jury list in a criminal case.

S.B. 204 by Glasgow Intergovernmental Relations
Relating to the purposes for which fees collected by prosecutors for processing worthless checks may be used and to the administration of the fund to which those fees are credited.

S.B. 205 by Haley Health and Human Services
Relating to the exemption of certain dental services from statutes regulating health maintenance organizations.

S.B. 206 by Green Jurisprudence
Relating to the qualifications of certain special judges.

S.B. 207 by Green Economic Development
Subcommittee on Insurance
Relating to rating, issuance, refusal to renew, and cancellation of certain automobile insurance.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 28, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS BOARD OF CRIMINAL JUSTICE, for terms to expire February 1, 1997:

JOSHUA W. ALLEN, SR.
4750 Chadwick
Beaumont, Texas 77706

Mr. Allen will be replacing Pete Diaz, Jr., of Rio Grande City, whose term expired.

ELLEN J. HALBERT
1407 Meadowmear
Austin, Texas 78753

Mrs. Halbert will be replacing Robert Mann of Waco, whose term expired.

SELDEN B. HALE III
310 West 6th
Amarillo, Texas 79101

Mr. Hale will be replacing Richard Collins of Dallas, whose term expired.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF COMMERCE
BOARD OF DIRECTORS, for a term to expire February 1, 1997:

ALAN R. KAHN
5008 Radbrook Place
Dallas, Texas 75220

Mr. Kahn will be replacing Robert F. McDermott of San Antonio, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Mathis Blackstock of Austin.

The Senate welcomed Dr. Blackstock, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE CONCURRENT RESOLUTION 9

Senator Ellis offered the following resolution:

WHEREAS, Iraq, without provocation, has repeatedly attacked Israeli civilian targets with surface-to-surface missiles; and

WHEREAS, Israel is a close democratic friend and major ally of the United States; and

WHEREAS, Israel is a close friend of the State of Texas; and

WHEREAS, Israel and Texas share special ongoing relationships, particularly in the areas of agriculture and medical research; and

WHEREAS, Iraq has threatened to "burn half of Israel" with chemical weapons; and

WHEREAS, Israel has exhibited exceptional restraint in the face of these circumstances; and

WHEREAS, Israel has heroically agreed to absorb a first strike and has sustained many additional attacks; and

WHEREAS, The United States has provided Patriot missile crews to Israel in order to help defend Israel from these attacks; and

WHEREAS, Israel continues to support the implementation of United Nations Security Council resolution 678 through the unprecedented international coalition of forces in the Persian Gulf; and

WHEREAS, Every country has the right to defend itself; now, therefore, be it RESOLVED, That the 72nd Legislature of the State of Texas hereby:

- (1) condemn these unprovoked attacks by Iraq on Israel;
- (2) express profound sympathy for the loss of life, casualties, and destruction;
- (3) declare heartfelt solidarity with the people of Israel;
- (4) commend the citizens of Israel for their brave and composed perseverance;
- (5) commend the Government of Israel for its restraint;
- (6) recognize Israel's right to defend itself; and
- (7) reaffirm America's continued commitment to provide Israel with the means to maintain her freedom and security.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ellis, the resolution was considered immediately and was adopted by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
January 28, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 7, Congratulating Coach Robert Woods and the Wilmer-Hutchins Eagles for winning the 1990 Class 4A State Championship football competition.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 111 ON SECOND READING

Senator Montford moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 111** be taken up for consideration at this time:

S.B. 111, Relating to the creation of the state budget policy committee and a complete review of state spending and budgetary procedures; requiring the prior approval of the expenditure of certain appropriations.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Krier.

Absent-excused: Glasgow.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 111**, Section 8, Subsection (b) (5) to read as follows:

- (5) expenditures for a new occupant of an elective office or Constitutional office of State government.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 111**, Section 8, Subsection (b) (1) to read as follows:

- (1) expenditures for construction or furnishing of prison facilities by the Texas Department of Criminal Justice, or for facilities of the Texas Youth Commission and the Texas Department of Mental Health and Mental Retardation;

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 111** as follows:

1. On page 3, line 24, strike the “or” after the semicolon.
2. On page 3, line 26, insert “; or” after “government” and add the following new subsection (6):
 - (6) expenditures from revenues generated by gifts, grants and donations for restricted purposes; private and federal research projects; and activities of self-supporting service entities

TURNER
BROOKS

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 111 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MEMORIAL RESOLUTION

S.R. 70 - By Montford: In memory of Judge George W. Svanas of Odessa.

CONGRATULATORY RESOLUTIONS

S.R. 71 - By Harris of Tarrant: Extending congratulations to the Arlington Sam Houston High School football team for the team's highly successful season.

S.R. 72 - By Sims: Extending congratulations to Ladd Hughes of San Angelo for achieving the rank of Eagle Scout.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 3:11 p.m. adjourned until 1:30 p.m. tomorrow.

SEVENTH DAY

(Tuesday, January 29, 1991)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Pastor Fred Neumann, St. Paul Lutheran Church, Austin, offered the invocation as follows:

In the name of the Father and the Son and of the Holy Spirit. Amen.

Our kind and gracious Heavenly Father, hear us for the sake of Your dear Son, Jesus Christ.

We thank You for times of relative peace and plenty in this and recent years, and pray that You further extend these blessings to us and all mankind.

We thank You for the gift of government given to the world to hold back the forces of chaos and the evil that always threatens to engulf mankind.

You have given us, especially this governing body, a share of this preservation of order, the rule of law. Have mercy upon the President and Congress of the United States, the Governor and House and Senate of this State, we pray. Mercy in terms of wisdom to decide, guide, and lead in ways pleasing to You and beneficial to the citizenry. Mercy in terms of good health of body, soul, spirit, and mind to carry out all duties and complete the work. Mercy in terms of peace and concord in personal life, for marriage, family, spouses, children so that these may be preserved to us.

Mercy in terms of conscience that all may have the grace to do as they should and have peace about their decisions.

These and all other prayers for mankind—for service personnel in the Persian Gulf theater of operations, for the relatively weak and defenseless living in dangerous places, and all our other needs—we commend to You, in Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.